

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**ANDREW KATRINECZ and
DAVID BYRD,
Plaintiffs,**

v.

**EVERTEK COMPUTER
CORPORATION
Defendant.**

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CASE NO. 1:12-CV-00103-LY

PLAINTIFFS' NOTICE OF DISMISSAL WITH PREJUDICE

TO THE HONORABLE JUDGE LEE YEAKEL:

Plaintiffs file their Notice of Dismissal with Prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

1. Plaintiffs are Andrew Katrinecz and David Byrd.
2. Defendant is Evertek Computer Corporation.
3. On February 1, 2012, Plaintiffs sued Defendant.
4. Defendant has been served with process and has not served an answer or a motion for summary judgment.
5. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2.
6. A receiver has not been appointed in this case.
7. This case is not governed by any federal statute that requires a court order for dismissal of the case.

8. Plaintiffs have not previously dismissed any federal- or state-court suit based on or including the same claims as those presented in this case.

9. This dismissal is with prejudice.

Respectfully submitted,

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Dated: October 26, 2012

By: /s/ David E. Dunham
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